

JUN 28 2007

MARY L.M. MORAN  
CLERK OF COURT

DISTRICT COURT OF GUAM

TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

XIAN LONG YAO,

Defendant.

CRIMINAL CASE NO. 07-00043-001

JURY NOTE

WE, THE JURY: \_\_\_\_\_

Foreperson Initials: \_\_\_\_\_

Time Received by Court: \_\_\_\_\_

Dated: \_\_\_\_\_

Received By: \_\_\_\_\_

COURT'S RESPONSE: \_\_\_\_\_

*Please do not inform me where you  
stand numerically.*

Date: *June 28, 07*  
*9:15 a.m.*

*Frances M. Tydingco-Gatewood*  
Frances M. Tydingco-Gatewood, Chief Judge  
District Court of Guam

## COURT'S INSTRUCTION NO. 18

Members of the jury, you have advised that you have been unable to agree upon a verdict in this case. I have decided to suggest a few thoughts to you.

As jurors, you have a duty to discuss the case with one another and to deliberate in an effort to reach a unanimous verdict if each of you can do so without violating your individual judgment and conscience. Each of you must decide the case for yourself, but only after you consider the evidence impartially with your fellow jurors. During your deliberations, you should not hesitate to reexamine your own views and change your opinion if you become persuaded that it is wrong. However, you should not change an honest belief as to the weight or effect of the evidence solely because of the opinions of your fellow jurors or for the mere purpose of returning a verdict.

All of you are equally honest and conscientious jurors who have heard the same evidence. All of you share an equal desire to arrive at a verdict. Each of you should ask yourself whether you should question the correctness of your present position.

I remind you that in your deliberations you are to consider the instructions I have given you as a whole. You should not single out any part of any instruction, including this one, and ignore others. They are all equally important.

You may now retire and continue your deliberations.